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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,928	08/27/2003	Benjamin T. Gomez	47079-0228	6114
70243	7590	09/19/2007		
NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/649,928

Applicant(s)

GOMEZ ET AL.

Examiner

Paul A. D'Agostino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is taken in response to a Request for Continued Examination filed May 21, 2007. Claims 1,8,13, 19-20, and 23 have been amended. Claims 3 and 16 have been cancelled. Claims 1-2, 4-15, and 17-23 are pending.
2. Claim 20 has been amended. The rejection under 35 U.S.C. § 101 is withdrawn.
3. The previous Office Action dated 8/29/2007 indicating finality is vacated and superceded with this non-final Office Action.

### ***Specification***

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 2 "SMIB" 25. Corrected drawing sheets in compliance with 37 CFR

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1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-5, 7-15, and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,147,355 to Barlow et al. (Barlow).

In Reference to Claims 1, 8, and 23

Barlow discloses a gaming machine (Fig. 1 "target shooting apparatus" 10) having

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an improved game display ("present invention provides a novel electronic target shooting device enabling optimum play as a substantially reduced cost" Col. 1 Lines 29-31) comprising:

an {a plurality of} extendable display (Fig. 1 and "A pair of generally semi-circular, forwardly extending molded base members 20L and 20R support moving targets 22 and 24" Col. 2 Lines 39-41 and "A reciprocally moving target 30 is visible through the window 28" Col. 2 Lines 39-45) having an indicium ("Each target {platens} 22, 24, and 30 includes a circular marking 230" Col. 5 Lines 57-58), the {each of the} extendable display further having a first position out of a field of view of a player {located behind and a distance away from a static obstruction} and {each of the plurality of extendable displays further having} a second position {partially} in a field of view of {observable to} a player {, the extendable display further having a third position in a field of view of a player} (Fig. 1 targets 22, 24, and 30 have positions in view, partially in view and out of view of the player);

a physical {static} obstruction {, the first position being located behind and a distance away from the static obstruction} (Fig. 1 "front wall 16" and Col. 2 Line 38), the first position of the extendable display being located behind the physical obstruction (system is capable of performing this function);

a drive mechanism (Figs. 2-4 and "The drive means 46 includes a motor 48 mounted within a subframe 50 below the platform 36." Col. 2 Lines 55-57) connected to the extendable display adapted to move the extendable display in a first direction from the first position to the second position and adapted to move the extendable display in a

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second direction from the second position to the first position {selectably engageable to each of the plurality of extendable displays} ("Thus, the platforms rotate in opposite directions such that, when driven by the motor 48, the left platen rotates in the direction of arrow A while the right platen rotates in the direction of arrow B, as shown in Fig. 3."

Col. 2 Lines 46-68 and Col. 3 Lines 1-5; and for upper target 30 "The rear carriage is mounted for right to left reciprocating movement" Col. 4 Lines 9-10); and

a central processing unit (Fig. 9 "dual timer" 337) adapted to {select one of the plurality of extendable displays, the central processing unit further adapted to} signal the drive mechanism to translate the extendable display between the first position and the second position {the central processing unit further adapted to signal the drive mechanism to translate the extendable display from the second position to the third position, whereby the player is unable to fully view the indicium until the extendable display is in the third position} (system is capable of performing this function).

#### In Reference to Claims 13, 14, and 19

Barlow discloses a gaming machine and method (Fig. 1 "target shooting apparatus" 10) having an improved game display ("present invention provides a novel electronic target shooting device enabling optimum play as a substantially reduced cost" Col. 1 Lines 29-31) comprising:

locating an extendable display {a plurality of extendable displays} in the game display {each of the plurality of displays having an indicium} (Fig. 1 and "A pair of generally semi-circular, forwardly extending molded base members 20L and 20R

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support moving targets 22 and 24" Col. 2 Lines 39-41 and "A reciprocally moving target 30 is visible through the window 28" Col. 2 Lines 39-45) behind a physical obstruction {in the game display} (Fig. 1 "front wall 16" and Col. 2 Line 38 and "Each target [platens] 22, 24, and 30 includes a circular marking 230" Col. 5 Lines 57-58) at a first position out of a field of view of a player;

moving the extendable display in a first direction to a second position in a field of view of a player with a drive mechanism {selecting one of the plurality of extendable displays with a central processing unit} (Figs. 2-4 and "The drive means 46 includes a motor 48 mounted within a subframe 50 below the platform 36." Col. 2 Lines 55-57 and "Thus, the platforms rotate in opposite directions such that, when driven by the motor 48, the left platen rotates in the direction of arrow A while the right platen rotates in the direction of arrow B, as shown in Fig. 3." Col. 2 Lines 46-68 and Col. 3 Lines 1-5; and for upper target 30 "The rear carriage is mounted for right to left reciprocating movement" Col. 4 Lines 9-10) controlled by a central processing unit (Fig. 9 "dual timer" 337, system is capable of performing this step); and

moving the extendable display in a second direction to return the extendable display to the first position behind the physical obstruction (system is capable of performing this function).

signaling a drive mechanism with the central processing unit to extend the selected extendable display into a field of view of a player (Fig. 9 "motor" 48, "dual timer" 337 and "solenoid" 200 communicate to move the display and reset tipped

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targets).

In Reference to Claim 2 and 15

Barlow discloses an aperture (Fig. 1 "arches" 102 and 104 and Col. 3 Line 54-55; and "transversely extending window" 28 Col. 2 Line 44).

In Reference to Claims 4, 5, 9, 10, 17, 18, 21 and 22

Barlow discloses rotating extendable display between a first and second position (Fig. 1 "rotatable platens" 34 and Col. 3 Line 22; "As the platens rotate, the targets will move inwardly, through arches 102 in front wall 16 and outwardly through arches 104 in the front wall." Col. 3 Lines 52-55) and linearly translating extendable display between the first position and the second position (Fig. 1 "The guide rod 126 extends substantially past each side of the window 28 for resetting the target 30." Col. 4 Lines 41-42).

In Reference to Claim 7

Barlow discloses an extendable display wherein it is a scroll mechanism having a plurality of indicia, each of the plurality of indicia being individually selectable (Fig. 1 "scoring device" 270 and where "drums 268 and 270 align respectively with a pair of rectangular apertures 272 and 274 formed in the front wall 16." Col. 6 Lines 53-54).



In Reference to Claim 20

Barlow discloses a method further comprising randomly selecting a game outcome, wherein the extendable display is selected based on the randomly selected game outcome (Barlow discloses that operator controlled gun projects a light beam of short duration each time the trigger is actuated whereby intended targets are indicated as 'hit' (abstract). Barlow also teaches that unintended targets can be indicated as being hit e.g. "an inadvertent aiming of the gun 212 toward the aperture 232R will cause the solenoid 200 to be energized and cause the duck 22 which has not been aimed at, to be 'hit'." Col. 6 Lines 4-9).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 4,147,355 to Barlow et al. (Barlow) in view of U.S. Patent No. 5,785,592 to Jacobsen (Jacobsen) and U.S. Patent No. 6,931,265 to Reyes et al. (Reyes).

In Reference to Claim 6

Barlow discloses a target system and method substantially equivalent to applicant's claimed invention. However, Barlow fails to disclose a gaming machine or method wherein the extendable display is a flat-panel display adapted to display the indicium.

Jacobsen teaches of a target game wherein a display is a flat-panel display adapted to display a target (Fig. 1 "video display" 80 and "Another type of target also disposed in a fixed position near the pathway 16 is a computer controlled video display 80 having a larger than normal screen 84 for displaying various figures or objects which may serve as targets." Col. 4 Lines 8-11) in order to provide a game apparatus which may be used for target shooting, making gambling choices, or ordering products for purchase (Col. 1 Lines 39-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the video display as taught by Jacobsen into the teachings of Barlow in order to provide a game apparatus which may be used for target shooting, making gambling choices, or ordering products for purchase.

Reyes teaches of an extendable display (Fig. 1D "first 14 and second 15 ancillary display screens" Col. 4 Lines 24-25 and "automatically deployed" Col. 5 Line 17-18 and "ancillary screens can be used to "pop out" (emphasis in original) during a call...or, may be used as an auxiliary screen for displaying other data, documents, text, graphics, video..." Col. 5 Lines 40-50) in order to provide multiple, independent screens which are

situated in such a manner as to virtually expand the main screen on the body when desired." Col. 2 Lines 38-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the ancillary pop out screens as taught by Reyes into the video display target shooting game of Jacobsen and the teachings of Barlow in order to provide multiple, independent screens which are situated in such a manner as to virtually expand the main screen on the body when desired."

10. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,147,355 to Barlow et al. (Barlow) in view of U.S. Patent Pub. No. 2003/0064806 to Gordon (Gordon).

In Reference to Claims 11 and 12

Barlow discloses a target system substantially equivalent to applicant's claimed invention. However, Barlow does not disclose a drive mechanism comprises a plurality of shafts concentrically oriented; and a plurality of motors, each of the plurality of motors adapted to drive one of the plurality of shafts, each of the plurality of shafts being connected to at least one extendable display; and w99herein the drive mechanism comprises a plurality of solenoid valves, each solenoid valve being connected to one of the plurality of extendable displays, each of the plurality of solenoid valves adapted to linearly translate the extendable display.

Gordon discloses "a universal serial interconnection strategy which allows individual internal gaming machine components to be connected to a controller" [0022].

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"Typical examples include examples include motors, mechanical actuators, displays, sound generators, bill acceptors, payout devices, network interfaces, coin comparators, switch and button interface devices, light/lamp drivers, player cards, etc. It will be recognized by those skilled in the gaming machine arts that many other device exist or could in the future exist that could be used cooperatively within a gaming machine and the invention is not considered limited to those devices chosen for purposes of disclosure" [0035]. In one embodiment of a clock (Fig. 5), a drive mechanism comprises a plurality of shafts concentrically oriented and a plurality of motors, each of the plurality of motors adapted to drive one of the plurality of shafts ("concentric shafts" [0039] and "Hands 504, 506 are attached, via concentric shafts (not shown), to stepper motors (not shown) so that they may be independently rotated by their respective stepper motors" [0039] each of the plurality of shafts being connected to at least one extendable display (Hands 504 and 506 are linked to six mechanically-actuated cuckoo birds 508 housed behind doors 510 [0039] and wherein the drive mechanism comprises a plurality of solenoid valves (one skilled in the art who also know to apply "motors, mechanical actuators, and stepper motors [0035], each solenoid valve being connected to one of the plurality of extendable displays (mechanically-actuated cuckoo birds 508 [0039], each of the plurality of solenoid valves adapted to linearly translate the extendable display (system is capable of performing this function) in order to provide a universal serial interconnection strategy for use in interconnecting internal gaming machine components [0016].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the concentric shafts, plurality of motors, and plurality of solenoid valves as taught by Gordon into the teachings of Barlow in order to provide a universal serial interconnection strategy for use in interconnecting internal gaming machine components.

***Response to Arguments***

11. Applicant's arguments, see Applicant's Response to Claim Rejections, filed May 21, 2007, pages 6-12, with respect to the rejection(s) of claim(s) 1-10, 13-19, 21-23 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art wherein it is disclosed extendable displays located about a physical, static obstruction movable to a first, second and third position relative to the player and also providing the necessary mechanical connections to actuate one or more extendable displays located a distance away from the physical, static obstruction.

12. Applicant's arguments, see Applicant's Response to Claim Rejections, filed May 21, 2007, pages 12-13, with respect to the rejection(s) of claim(s) 11-12 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior disclosing concentric shafts, plurality of motors, and plurality of solenoid valves as claimed by Applicant.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Pub. No. 2006/0052152 to Tedsen discloses a three-dimensional image display systems and methods for gaming machines; U.S. Patent Pub. No. 2005/0020348 to Thomas discloses a gaming machine with a translatable flat panel display; U.S. Patent Pub. No. 2006/0030406 to Seeling teaches a gaming device display and methods of use; U.S. Patent No. 7,247,093 to Rothkranz discloses a gaming device having a mechanical secondary display; U.S. Patent No. 6,974,129 to Nordman discloses a gaming device having display with concentrically rotating and translating indicator therefore; U.S. Patent No. 6,142,873 to Weiss discloses a gaming device; U.S. Patent No. 6,939,225 to Kaminkow discloses a gaming device having bonus game with multiple moving objects within partitionable channels; U.S. Patent No. 3,854,230 to Knaus discloses a perpetual calendar; U.S. Patent No. 1,718,898 to Thomas discloses an apparatus for playing games; and U.S. Patent No. 1,527,704 to Baker discloses a bowling-alley appliance.

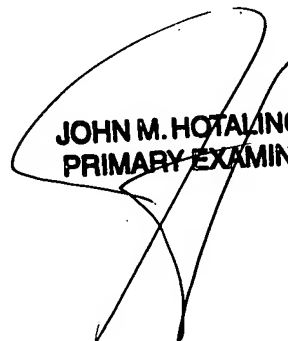
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992. The examiner can be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul A. D'Agostino  
Examiner  
Art Unit 3714

  
**JOHN M. HOTELLING, II**  
**PRIMARY EXAMINER**